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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/740,763 | 12/19/2000 | Uwe Hansmann | DE919990078 | 5393 |

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| EXAMINER |
|---|
| KANG, INSUN |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2124 | |

DATE MAILED: 09/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C  (Rev. 07-01)

| | Application No. | | Applicant(s) | |
|---|---|---|---|---|
| **Office Action Summary** | 09/740,763 | | HANSMANN ET AL. | |
| | Examiner | | Art Unit | |
| | Insun Kang | | 2124 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _19 December 2000_ .

2a) ☐ This action is **FINAL.**    2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-12_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _12_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _19 December 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

| | | | |
|---|---|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | | 4) ☐ Interview Summary (PTO-413) Paper No(s). _____ . | |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | | 5) ☐ Notice of Informal Patent Application (PTO-152) | |
| 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | | 6) ☐ Other: . | |

## DETAILED ACTION

1.      This action is responding to application papers dated 12/19/2000

### *Specification*

2.      Applicant is reminded of the proper language and format for an abstract of
the disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words.  It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited.  The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided.  The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information
given in the title.  It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

3.      The abstract of the disclosure is objected to because of the use of the

legal phraseology such as "said" (Ln  8 –11) and "means" (Ln 6) are used.  Also, the

abstract contains more than one paragraph. Correction is required.  See MPEP

§ 608.01(b).

### *Claim Rejections - 35 USC § 112*

4.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

5.      Regarding claim 11, the phrase "such as" in Pg. 33, Ln 8, renders the

claim indefinite because it is unclear whether the limitations following the phrase are

part of the claimed invention.  See MPEP § 2173.05(d).


### Claim Rejections - 35 USC § 102

6.      The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.


7.      Claims 1, 2, 5-7, 9, 11, and 12 are rejected under 35 U.S.C. 102(e) as

being anticipated by Wilkinson et al. (U.S. Patent 6,308,317).

        In regard to claim 1, Wilkinson et al. show a method for providing a set of

software components out of which a software application to be executed by an

apparatus comprising processor means and memory means can be partly or entirely

assembled, said method comprising (Fig 13, 14): assigning a different numeric identifier

to each component of said set of software components; and storing each assigned

numeric identifier in the corresponding component.  See Col.9, Ln 32-40.

        In regard to claim 2, Wilkinson et al. show the method of claim 1, wherein

the numeric identifier comprises a bit-length of 8 or 16 bit.  See Col.9, Ln  29-41.

In regard to claim 5, Wilkinson et al. show the method of claim 1; further comprising providing said apparatus with a full Java Virtual Machine being able to execute every Java instruction. See Col 13, Ln 13-27. Col 1, Ln 29-34.

In regard to claim 6, Wilkinson et al. show the method of claim 1, further comprising providing said apparatus with a limited Java Virtual Machine being able to execute only certain Java instructions. See Col 13, Ln 13-27.

In regard to claim 7, Wilkinson et al. show a system comprising means adapted for carrying out the steps of claim 1. See Fig, 13, 19, 20, Col 11, Ln 59 – Col12, Ln 14

In regard to claim 9, Wilkinson et al. show a computer program product loadable into memory means of a digital computer, comprising software code for performing the steps of claim 1. See Fig 14. Col 12, Ln 49-64.

In regard to claim 11, Wilkinson et al. show a device comprising processor means and memory means, such as a chip card, a Java Card, a set-top box or a Personal Digital Assistant, in which a set of software components is stored, wherein each of said software components comprises a different numeric identifier, preferably comprising a bit-length of 8 or 16 bits.   See Col.9.

In regard to claim 12, Wilkinson et al. show the device of claim 11, further comprising: a stored software application; and means for instantiating said software components upon request of said software application. See Fig 14 and 15, Col 11, Ln 48 – Col 12, Ln 48.

### *Claim Rejections - 35 USC § 103*

8.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.      Claims 3, 4, 8, and 10 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wilkinson et al. in view of Sherer et al. (U.S. Patent 5,459,854).

In regard to claim 3, Wilkinson et al. show a method comprising assigning a

different numeric identifier to each component of said set of software and storing each

assigned numeric identifier in the corresponding component but do not show the

method further comprising loading two or more of said components together in the

same step into said memory means of said apparatus, and storing said components

therein.

Sherer et al. teach that loading two or more components simultaneously

into said memory in an analogous art optimizes memory usage. Any unneeded portions

of memory are freed for use by other components and the needed portions are

relocated into a contiguous memory space to minimize the memory usage. See Col 3,

lines 7-21, Col 5-6.

Therefore, It would have been obvious to one having ordinary skill in the art at

the time of the invention was made to further modify Wilkinson et al.'s method

comprising assigning a different numeric identifier to each component of a set of

software components and storing each assigned numeric identifier in the corresponding

component to include Sherer et al.'s memory optimization strategy.

The modification would have been obvious because one of ordinary skill in the

art would have been motivated to include the method of loading two or more

components together into memory to optimize memory usage and fast code execution.


In regard to claim 4, Wilkinson et al. further teach the method of claim 3,

further comprising: loading a software application into said apparatus and storing said

software application in said memory means (Fig. 12); providing means for instantiating

said loaded components upon request of said software application (Fig. 14); loading

said means for instantiating into said apparatus; and storing said means for

instantiating in said memory means (Fig. 14). See Col 11-12, Ln 59 – Col12, Ln 14.

In regard to claim 8, Wilkinson et al. further show a system comprising

means adapted for carrying out the steps of claim 4.   See Fig, 13, 19, 20, Col 11, Ln 59

– Col12, Ln 14.

In regard to claim 10, Wilkinson et al. further show a computer program

product loadable into memory means of a digital computer, comprising software code

for performing the steps of claim 4. See Fig 14.  Col 12, Ln 49-64.


10.    Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Insun Kang whose telephone number is 703-305-

6465. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for

the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

IK

09/10/2003

JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124